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## IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

#### SECOND APPELLATE DISTRICT

## DIVISION FOUR

In re T.F., a Person Coming Under the Juvenile Court Law.

LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

EVA T.,

Defendant and Appellant.

B287919 (c/w B289230) (Los Angeles County Super. Ct. No. DK00890B)

APPEAL from orders of the Superior Court for Los Angeles County, Frank J. Menetrez, Judge. Affirmed.

John L. Dodd, under appointment by the Court of Appeal for Defendant and Appellant.

Mary C. Wickham, County Counsel, R. Keith Davis, Assistant County Counsel, and Jeanette Cauble, Principal Deputy County Counsel, for Plaintiff and Respondent. Eva T. (mother) appeals from an order denying her request to represent herself in a dependency proceeding involving her son, T.F.<sup>1</sup> She contends the juvenile court abused its discretion by denying her request because the court applied the wrong legal standard and its ruling was not supported by substantial evidence. We conclude the court appropriately applied the law, and that substantial evidence supports its denial of mother's request. Accordingly, we affirm the order.

## **BACKGROUND**

# A. Events Leading to Detention

In the early morning hours of November 3, 2016, the Los Angeles County Department of Children and Family Services (the Department) received a call involving a child needing protection. Mother came into the emergency room of a hospital with her two-year-old son, T.F., complaining that her bladder burst, she had a headache and a toothache, and was constipated. Mother asked one of the nurses to call her husband, i.e., father, but when father arrived mother said that she did not want T.F. to go with father. The nurse called 911 because

Mother also filed a notice of appeal from the juvenile court's order terminating dependency jurisdiction with a family law order granting T.F.'s father (whose initials also are T.F.; we will refer to him as father in this opinion) sole legal and physical custody of T.F. with monitored visits for mother. We granted mother's motion to consolidate the two appeals. However, in her opening brief, mother does not raise any issues related to the termination order, other than to assert that it is invalid on the ground that the juvenile court erred by denying her request to represent herself. Therefore, our focus is on the court's denial of the self-representation request.

mother was being "kind of rough with the child" and the staff was concerned that he would be harmed. Mother was pulling and jerking T.F., would not let anyone near him, and would not let anyone change his soiled diaper.

The Department sent a social worker (the CSW) to the hospital to investigate. When the CSW interviewed mother, she was rambling and incoherent; she became more incoherent and aggressive in her language as the interview went on. The treating physician told the CSW that he was concerned about the child's safety in mother's care because she had become increasingly aggressive with staff while the child was in her care. Father told the CSW that he and mother had known each other for four years and been married for three years. He said that he moved out of the family's home two weeks earlier, after mother called the Sheriff's Department for assistance. The responding deputy advised father to leave the home and contact the family law court, because mother was vacillating between allegations of abuse and non-abuse between the couple. Father said that he had seen a decline in mother's relationships with family and friends recently, but he had never seen her so angry and had not thought that T.F. was in danger in her care until this incident.

The CSW spoke to the maternal grandmother (MGM) by phone later that morning. MGM told him that she was estranged from mother but was concerned about her. She said that she had been getting calls from mother and from friends who reported that mother was having difficulties "with reality." MGM told the CSW that she believed that

T.F. was safe with father; she said that he was "a very good person and father."

Mother was released from the hospital sometime before noon that same day; she had been evaluated, and it was determined not to place her on a 5150 hold. Later that afternoon, mother participated in an "Up Front Assessment" (UFA). She had difficulty completing the UFA, however, because she was distracted and uncooperative at times. She claimed that her problems were due to verbal abuse by father, as well as "doctors who won't give her pain medication."

The Department detained T.F. with father and filed a one-count petition under Welfare and Institutions<sup>2</sup> section 300, subdivision (b). The petition alleged that mother had mental and emotional problems, including delusions and a diagnosis of bipolar disorder, that rendered her incapable of providing regular care for T.F. due to his young age and need for constant care. The petition also alleged that father knew of mother's problems and failed to protect T.F., in that father allowed mother unlimited access to him. On November 8, 2016, the juvenile court made detention findings and orders as to mother only and ordered T.F. detained from mother and released to father.

<sup>&</sup>lt;sup>2</sup> Further undesignated statutory references are to the Welfare and Institutions Code.

## B. Events During Pendency of the Case

- 1. Temporary Restraining Orders
  - a. To Protect Department Employees at the Glendora Office

Twenty days after the detention hearing, the Department filed a request for a restraining order against mother, seeking to protect the CSW assigned to the case, the supervising CSW (the SCSW), and the Assistant Regional Administrator (the ARA). The Department explained that mother came to the Department's Glendora office on November 22, 2016, for a monitored visit with T.F. Mother was erratic and slightly unstable. She made accusations against Department staff, insisted on nursing T.F. (who was more than two years old), and kept saying that "King Jesus" would do away with the evil in the building and her evil husband. She also was taking photographs of the building and vehicles parked at the building. The next day, November 23, a detective from the Glendora Police Department called the ARA to inform him that mother had posted the following message on Facebook: "IF I DON'T HAVE MY BOYS AKA: MY CHILDREN AKA MY EVERYTHING FOR THANKSGIVING, THEN THEY WON'T HAVE THANKSGIVING WITH THEIR CHILDREN AND/OR LOVE ONES!!"3 Mother also posted copies of the CSW's and the ARA's business cards. Mother, who was found in her car outside of the Department's Glendora office the night of November 22, was arrested for making criminal threats. The juvenile court granted the Department's request for a

Mother has an adult son, Angel, who was incarcerated.

temporary restraining order and set a hearing on a permanent restraining order.

## b. To Protect Father and T.F.

The next day, November 29, father filed a request for a restraining order to protect him and T.F. from mother. Father explained that mother had been coming to his house multiple times a week without permission. Each time, the police were called, but they failed to take action. The juvenile court granted a temporary restraining order and set a hearing on a permanent restraining order on the same day as the hearing on the Department's request.

## c. To Protect Department Employees at the El Monte Office

On December 12, 2016, the date set for the hearings on father's and the Department's request for a permanent restraining order, the Department filed another request for a restraining order, this time to protect several employees from the Department's El Monte office. The Department explained that mother, who had been working as a temporary clerk at the El Monte office, was dismissed on October 27, 2016, after she was observed to be acting irrationally. The following day she was observed by several Department employees in a car parked in front of the building; she was taking photographs of cars and the facility. Mother also had been posting inappropriate and/or irrational comments on Facebook, naming Department staff, and she had been observed following or stalking certain employees. The juvenile court granted the request for a temporary restraining order.

# 2. Jurisdiction/Disposition Hearing and Permanent Restraining Orders

A hearing on the requests for permanent restraining orders was held on January 5, 2017, along with the jurisdiction and disposition hearing. In the report filed for the jurisdiction/disposition hearing, the Department reported that mother was temporarily living with maternal aunt Michelle T. The Department also reported that mother was not interviewed for the report because she failed to respond to several calls and voice mail messages left by the dependency investigator (the DI).<sup>4</sup> The DI was, however, able to interview father and MGM.

Father told the DI that he noticed changes in mother after T.F. was born. She became overly protective and would not let others hold the baby at family events. When he tried to talk to her about it, it led to arguments. At the same time that this was happening, problems started with mother's adult son, Angel, who had begun using drugs again and hanging out with gang members. Mother started isolating herself from friends, and was blaming father for everything -- her son's drug use, losing her job, and her unhappiness. She began to threaten him and call the police every time they had an argument. He was on parole at the time, and the police told him that it was not a good idea to have her call them all the time, so they advised him to leave the home. He did so, and had been staying at motels or a friend's house until he

<sup>&</sup>lt;sup>4</sup> Mother also did not respond to repeated attempts to contact her to set up a visitation schedule.

got the call from the hospital telling him he needed to come to take care of his son.

Father said that mother threatens people when she gets angry. He told the DI that she regularly threatened to get someone to hurt him, and that she had threatened MGM and her sister. He finally had to get a restraining order because she kept coming to his apartment and making a scene with the manager and knocking on everyone's door while trying to get to him.

MGM told the DI that mother started having problems two or three years ago. She lost her job at Edison and began to have physical problems. She was diagnosed with celiac disease and had arthritis pain in her joints; she was in pain and became argumentative and moody. MGM also said that mother had postpartum depression, for which she was given anti-anxiety medication, but that seemed to make her mood worse.

At the jurisdiction/disposition hearing, the juvenile court found that T.F. was a dependent child under section 300, subdivision (b). The court removed T.F. from mother's custody only and placed him with father. The court ordered mother to participate in individual counseling to address case issues, in conjoint counseling if mother and father intended to reconcile, and in a psychiatric evaluation, and ordered mother to take all prescribed psychotropic medications. The court also ordered a minimum of eight hours per week of monitored visitation for mother.

At the same hearing, the court granted father's request for a permanent restraining order protecting himself and T.F., with an expiration date of January 5, 2018. The hearing on the Department's request for a permanent restraining order protecting five of its employees was continued for a couple of weeks, at which time it was granted; the restraining order was to be in effect until January 20, 2018.

## 3. Six-Month Review and Change to Restraining Order

In the status review report for the six-month review hearing in June 2017, the Department reported that mother had enrolled in all services required by the court, and had shown determination to resolve the issues that brought about T.F.'s removal. The Department also reported that mother and father had expressed a desire to reunite if the restraining order protecting father and T.F. was removed. However, the Department noted that mother's therapist had not yet recommended conjoint counseling, which was a condition the court placed upon mother if she and father intended to reunite.

The Department stated that it had submitted a walk-on to have mother's visits changed to unmonitored, and that father agreed with the Department's recommendation to liberalize mother's visits because he believed that mother's mental health had improved significantly. The Department noted, however, that the outcome of the walk-on was still pending.

At the review hearing held on June 28, 2017, the juvenile court terminated the restraining order protecting father and T.F. at father's request. The court then continued the review hearing for contest at mother's request.

Shortly before the continued review hearing, the Department reported to the court that mother had completed parenting classes, that she was actively participating in therapy, and that her therapist stated that mother was ready to start conjoint therapy. The Department also reported that mother began having unmonitored visits on July 12, 2017, for four to six hours per week.

At the continued review hearing held on August 22, 2017, the juvenile court noted that the parties had agreed to allow overnight visits for mother. The court ordered three overnight visits, with discretion to the Department to increase. The court also ordered that the Department had discretion to allow mother to move into the family home.

# 4. New Restraining Order, Twelve-Month Review, and Section 388 Petition

Three months later, on November 20, 2017, father filed another request for a restraining order. His request was based upon two incidents that took place in the previous few weeks.

In the first incident, father agreed to let T.F. spend the day with mother as long as she had him back home by 4:00 p.m. that afternoon. When father got home from work, T.F. was not there, and mother did not respond to father's telephone calls or texts. Father spoke to MGM, who finally was able to reach mother sometime after 7:00 p.m. Mother told MGM that father could pick up T.F. at a nearby McDonald's restaurant. Father and MGM went to the location, and MGM went inside to speak with mother. When she came out, she said that mother

was upset because her son Angel had not called her for her birthday. As father started toward the restaurant, mother came out and yelled that father "[was] not going to hurt my son." She called father names, accused him of molesting children, and threatened to have Angel, who she said was in the Mexican Mafia, "take [him] out." She then took her phone out of her purse and said, "Tomas he's here. Bring the crew to get his ass." Father left and called the CSW to report the incident; the CSW told him that he had to obey the court's order and allow unmonitored visits.

In the second incident, the CSW had arranged for father to drop off T.F. at a police station at 8:30 a.m. for mother's visit, and to pick him up there at 11:30 a.m. Father dropped T.F. off, but mother and T.F. were not there when he returned to pick him up. Father contacted the CSW, who tried unsuccessfully to reach mother. Father started to drive around looking for them. After about an hour of searching, father saw mother with T.F., talking to two men at a bus stop. He parked his car and went to get T.F. As he approached, mother started calling him names and making threats on his life; father grabbed T.F. and left. The next morning mother was outside father's home, screaming at him and saying that she wanted to see her son. Father called the police. Mother then started knocking on his door and threatening father. When father told mother that he had called the police, mother left; the police detained her as she was walking from his complex.

The hearing on father's request for a temporary restraining order was held with the twelve-month review hearing on November 20, 2017. Mother was not present; her counsel stated that he did not know why

mother was not there, and asked that the matter be continued. The juvenile court continued the review hearing, granted the temporary restraining order, and set a hearing on the request for a permanent restraining order.

The Department filed a Last Minute Information for the Court for the continued hearing, and also filed a petition under section 388 to change mother's visits to monitored. In the Last Minute Information, the Department stated that father had reported to the CSW on November 4 that mother had threatened his life, and that he and mother had been having issues regarding Angel's pending release from prison. The Department also reported that mother's therapist told the CSW on November 28 that mother had experienced a setback on November 20. The therapist said that she and her team had recommended to mother that she be voluntarily hospitalized, but mother declined and threatened to harm the therapist and the staff at her clinic (Pacific Clinic) through Angel and his gang. Finally, the Department reported that the CSW spoke with mother on November 28. Mother denied that she made any threats to her therapist or to Pacific Clinic staff, but admitted that she mentioned Angel's gang when she and the therapist were discussing hospitalization; she said that Angel was upset with the adversity she was facing with the Department.

At the hearing on father's request for a permanent injunction, mother's counsel called mother to testify. Mother gave rambling answers to many of her counsel's questions, but denied most of father's account of what occurred in the incidents he described. She denied threatening father, denied keeping T.F. longer than she had agreed to,

and denied banging on father's door or windows, or yelling at him. Mother also denied threatening her therapist.

The juvenile court granted the permanent restraining order and turned to the section 388 petition. As the court began to address the petition, mother interrupted to ask, "How do I appeal this?" The court told mother that she needed to remain quiet, and could talk to her attorney about her appeal rights. The following colloquy took place:

"THE MOTHER: You are telling me I can't see my son. I'm not going to remain quiet in court.

"THE COURT: Ma'am, if you can't remain quiet, I will have to have you excused from the courtroom for the remainder of the hearing.

[¶] If there are things you want to tell me, I will give you an opportunity to do that.

"THE MOTHER: I can do that? Can you let me know when I can do that?

"THE COURT: I absolutely will. So please remain silent until then."

The court continued to address the section 388 petition. It set the petition for hearing on January 25, 2018, and granted the relief requested on an interim basis, ordering that mother's visits be monitored. Following that, the court addressed the length of the restraining order, and ordered that it would be valid for one year. The court then turned to mother, and said that if she had things she wanted to tell the court she could do that now. Mother embarked upon a rambling discussion of the difficulties she had faced. She then asked to present a letter to the court, but the court suggested that she wait until

the next hearing, when she could talk to her attorney and they could present evidence. The following discussion then took place:

"THE MOTHER: Okay. If I want to in pro per defend myself, can I do that?

"THE COURT: That is possible to do, but that is up to me whether to allow that.

"THE MOTHER: Uh-huh.

"THE COURT: And I very, very rarely allow it. Very, very rarely.

If you want to do that, there is a process we need to go through --

"THE MOTHER: I want to go through that process.

"THE COURT: -- for me to make that decision, then I'll decide whether to allow you to do that or not, but I very, very rarely permit that.

"THE MOTHER: Got it.

"THE COURT: So, Ma'am, what we can do is we can also address that on the next court date. That will be January 25th.

"THE MOTHER: I'm sorry. If I want to retain my own attorney, I can do that as well; right?

"THE COURT: Absolutely. You can do that at any time."

5. Mother's Request to Represent Herself and the Hearing on the Department's Section 388 Petition

On January 24, 2018, the Department submitted a Last Minute Information for the Court stating that due to mother's noncompliance with treatment, she did not receive any mental health services from December 20, 2017 to January 21, 2018; she was reinstated as of the

latter date and was due for a mental health reassessment on January 26, 2018. The Department also reported that mother had been observed to be verbally aggressive toward father in T.F.'s presence during drop-off and pick-up for visits, and that her behavior during visits at the Pasadena office was increasingly disruptive to other families, staff, and security.

At the January 25, 2018 hearing, mother submitted a waiver form, waiving her right to counsel, and the juvenile court held a confidential hearing at which only mother and her counsel were present. After ascertaining that mother had reviewed the waiver form with her counsel, the court asked mother why she was asking to represent herself. Mother did not really address the court's question. Instead, she responded by talking about her experience being in the dependency system, her parents' backgrounds, and problems with her older son Angel. She concluded by stating: "And so, with that said, now that [T.F.] is three years old, he is not potty trained. He needs speech therapy. He is constantly hitting me and biting me. And I have celiac disease, which is an autoimmune disorder. [¶] I was Christian, and I brought the Bible. I was told I couldn't. And the whole reason this all started is because of my bladder problems that I have. I have everything documented here that Gregory Harmon at U.C.L.A. Hospital did an endoscopy/colonoscopy to confirm that I have celiac, and I was breastfeeding when they took him away, which is against the law."

Addressing mother's request, the court stated that it had reviewed the entire file and that, based upon the standard set forth in *In re A.M.* (2008) 164 Cal.App.4th 914, it would deny the request because, based

upon the evidence before it, it was reasonably probable that granting mother's request would impair the child's right to a prompt resolution of custody status or unduly disrupt the proceedings. Mother again asked if she had the right to hire her own attorney, and the court responded that she did have that right.

Concluding the confidential hearing, the other counsel and parties rejoined the proceeding, and the court proceeded with the hearing on the Department's section 388 petition. Mother's counsel called mother to testify. Once again, mother's responses to counsel's questions tended to be rambling and off-point. Following argument by counsel, the court started to make its ruling, only to be interrupted several times by mother. The court granted the petition and ordered that mother's visits be monitored.

Mother filed a notice of appeal that same day.<sup>5</sup>

6. Events After the Denial of Mother's Request to Represent Herself
A month later, on February 21, 2018, the continued section 364
hearing was called and continued again for contest to April 4, 2018.

On March 28, 2018, the Department filed a Last Minute Information for the Court in which it explained that it had submitted an emergency walk-on request to suspend mother's visits "due to her delusional behavior and extreme inappropriateness during visits resulting in safety issues for the minor." The Department reported that

We note that the notice of appeal does not specifically identify the order denying mother's request to represent herself; instead, it merely checks boxes labeled "Section 360 (declaration of dependency)" and "Other orders."

mother had been disruptive during visits. Several times she clung to T.F. intensely and would not let go of him at the end of visits, and law enforcement had to be called on two occasions to assist Department staff in escorting mother out of the building.

The Department also reported that mother's primary diagnosis was "Bipolar Disorder, current episode manic, severe, with psychotic features," with a secondary diagnosis of borderline personality disorder. The Department noted that mother had been living at an independent living housing facility, but had received violations for threats and using abusive language and had been given notice to vacate the property. The Department recommended that the court terminate dependency jurisdiction with a family law order giving father sole legal and physical custody of T.F.

At the contested section 364 hearing, the juvenile court accepted the Department's recommendation and terminated jurisdiction with a family law order giving father sole legal and physical custody of T.F., with monitored visitation for mother for a minimum of eight hours per week, with a professional monitor to be paid for by mother.

Mother timely filed a notice of appeal from the order terminating dependency jurisdiction. As noted, we ordered that appeal consolidated with the earlier appeal.

## DISCUSSION

The only issue mother raises on appeal is whether the juvenile court's denial of her request to represent herself was erroneous. Mother contends it was, because the juvenile court applied the wrong legal

standard in denying her request, and its ruling was not supported by substantial evidence. Because of this purportedly erroneous ruling, mother contends that all subsequent orders also must be reversed. We conclude that the juvenile court did not abuse its discretion in denying mother's request.

# A. The Juvenile Court Applied the Correct Legal Standard

In In re Angel W. (2001) 93 Cal.App.4th 1074 (Angel W.), the appellate court found that section 317, subdivision (b) gives a parent in a juvenile dependency case a right to self-representation. The court recognized, however, that the right is statutory only, and that a parent in a juvenile dependency case does not have a constitutional right to self-representation. (Id. at pp. 1082-1083.) In the case before it, the juvenile court had denied a parent's request for self-representation, and suggested that it was doing so based upon concerns that the parent might disrupt courtroom proceedings. The appellate court reversed. Although the court recognized that the juvenile court raised a valid concern, it held that "[o]nly when the pro se litigant 'is and will remain' so disruptive as to significantly delay the proceedings or render them meaningless and negatively impact the rights of the minor in a prompt and fair hearing may the court exercise its discretion to deny self-representation." (Id. at p. 1085.)

Several years later, a different appellate court examined the reasoning of *Angel W.*, and concluded that it should be read narrowly. In *In re A.M.*, *supra*, 164 Cal.App.4th 914, the court noted that *Angel W.* "arose in the context of a potentially disruptive parent, and therefore

the court did not address other grounds for denying a parent's request for self-representation." (*Id.* at p. 924.) The court also observed that the *Angel W*. court relied upon a criminal case dealing with a criminal defendant's request for self-representation, and that "a parent's request for self-representation in a juvenile dependency proceeding differs from the same request by a criminal defendant in two significant respects. First, . . . the parent's right of self-representation is statutory, not constitutional, and therefore must be balanced against other parties' rights. Second, the parent's exercise of the statutory right of self-representation could affect the child, who also has rights requiring protection." (*Id.* at pp. 924-925.)

In light of the requirement that "in dependency proceedings, a parent's statutory rights, including the right to self-representation, must always be weighed against the child's right to a prompt resolution of the dependency proceeding" (In re A.M., supra, 164 Cal.App.4th at p. 925), the court concluded a broader standard than that articulated by Angel W. should be applied. Thus, the court held that "the juvenile court has discretion to deny the request for self-representation when it is reasonably probable that granting the request would impair the child's right to a prompt resolution of custody status or unduly disrupt the proceedings. A parent's disruptive behavior may be sufficient to deny a request for self-representation, but it is not necessary. If it is reasonably probable that granting a parent's request for self-representation will lead to undue delay in the proceedings that would impair the child's right to a prompt resolution of custody, the juvenile

court has discretion to deny the request regardless whether the parent has ever behaved disruptively." (*Id.* at pp. 925-926.)

As noted, in the present case the juvenile court expressly stated it was applying the legal standard set forth in *In re A.M.*, *supra*, 164 Cal.App.4th 914, when it denied mother's self-representation request. Mother contends that the juvenile court's reliance upon this standard was improper because it is a departure from precedent and should not be followed. Instead, mother contends the court should have followed the standard set forth in *Angel W.*, and denied her request only if it found that she was and would remain so disruptive as to significantly delay the proceedings. (Citing *Angel W.*, *supra*, 93 Cal.App.4th at p. 1085.) We disagree.

Like the court in *In re A.M.*, we believe the standard articulated in *Angel W.* is too narrow because it fails to take into consideration the fact that the parent's statutory right to self-representation must always be balanced against the child's strong interest in the prompt resolution of his or her custody status. Thus, we find that the standard articulated in *In re A.M.* is the more appropriate standard to apply here.

# B. Substantial Evidence Supported the Juvenile Court's Ruling

Mother contends there was no substantial evidence that she would be unduly disruptive or significantly delay the proceeding if she were to represent herself. She asserts that her minimal interruptions of the juvenile court and her subsequent compliance with the court's admonition to remain quiet demonstrate that she had not significantly delayed, and would not delay, the proceedings. She argues that the juvenile court's observation that "there seems to have been some regression by the mother' . . . was irrelevant to the legal question whether she should be permitted to represent herself in court." She is mistaken.

First, although mother is correct that her interruptions of the court were relatively minor, and that she complied when the court admonished her to remain quiet, the fact remains that mother often gave rambling responses to counsel's questions when testifying, and appeared to have trouble staying focused when given an opportunity to address the court. It stands to reason that this inability to present focused and cogent arguments would likely be multiplied, causing significant delays, if mother were to represent herself.

Second, mother's regression in her mental health was very relevant to the legal question at issue. Mother was shown to have engaged in increasingly aggressive and delusional behavior and had demonstrated a tendency to make threats -- to Department staff, her therapist, and father -- when she got angry, which required the issuance of several restraining orders. It certainly is reasonably probable that further conduct of this sort would cause delays to the dependency proceedings if mother were representing herself. Thus, this evidence of mother's mental health regression constitutes substantial evidence supporting the trial court's ruling denying mother's request for self-representation.

## C. Conclusion

Because we conclude that the juvenile court applied the appropriate standard in denying mother's request to represent herself, and there was substantial evidence to support the court's ruling, the order denying mother's request is affirmed. In light of our conclusion, we reject mother's challenge to the juvenile court's orders subsequent to the ruling denying self-representation.

## DISPOSITION

The juvenile court's orders are affirmed.

# NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

WILLHITE, Acting P. J
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We concur:

COLLINS, J.

MICON, J.\*

<sup>\*</sup>Judge of the Los Angeles County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.